

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING)
PHARMACY, INC., PRODUCTS LIABILITY)
LITIGATION)
) MDL No.: 2419
) Master Docket No.: 1:13-md-2419-FDS
_____)
THIS DOCUMENT RELATES TO:)
)
)
All Actions Against Specialty Surgery Center)
And Dr. Kenneth Lister)
_____)

**DECLARATION OF BENJAMIN A. GASTEL IN SUPPORT OF PLAINTIFFS’
STEERING COMMITTEE’S MOTION TO COMPEL SSC AND DR. KENNETH
LISTER TO PROVIDE DOCUMENTS AND TESTIMONY**

Benjamin A. Gastel declares, under penalty of perjury on the date identified below, as follows:

1. I am an attorney at Branstetter, Stranch & Jennings, PLLC, and our firm sits on the Plaintiffs’ Steering Committee (“PSC”) in the above-styled lawsuit (the “MDL”). I submit this declaration in support of the contemporaneously filed Plaintiffs’ Steering Committee’s Motion to Compel SSC and Dr. Kenneth Lister to Provide Documents and Testimony.

2. Attached as Exhibit 1 is a true and correct copy of Global Deposition Exhibit Number 83, filed under seal.

3. Attached as Exhibit 2 is a true and correct copy of Global Deposition Exhibit Number 607, filed under seal.

4. Attached as Exhibit 3 is a true and correct copy of Global Deposition Exhibit Number 637, filed under seal.

5. Attached as Exhibit 4 is a true and correct copy of excerpts of the deposition testimony of Kim Bowlin.

6. Attached as Exhibit 5 is a true and correct copy of a document produced by Specialty Surgery Center, bates numbered SSC-05026, filed under seal.

7. Attached as Exhibit 6 are the responses to the Plaintiff's Steering Committee's Second Request for Production by Specialty Surgery Center.

8. Attached as Exhibit 7 is a true and correct copy of Global Deposition Exhibit Number 638, filed under seal.

9. Attached as Exhibit 8 is a true and correct copy of Global Deposition Exhibit Number 117, filed under seal.

10. Attached as Exhibit 9 are the responses to the Plaintiff's Steering Committee's Second Requests for Admission and Corresponding Interrogatory by Specialty Surgery Center.

11. Attached as Exhibit 10 is a true and correct copy of excerpts from the deposition testimony of Jean Atkinson.

12. Attached as Exhibit 11 are the responses to the Plaintiffs' Steering Committee's First Set of Interrogatories by Specialty Surgery Center.

13. Attached as Exhibit 12 are responses to the Plaintiffs' Steering Committee's First Request for Production by Specialty Surgery Center.

14. Attached as Exhibit 13 is a true and correct copy of Global Deposition Exhibit Number 91, filed under seal.

15. Attached as Exhibit 14 is a true and correct copy of excerpts from the deposition testimony of Dr. Kenneth Lister.

16. Attached as Exhibit 15 is a true and correct copy of Global Deposition Exhibit Number 617, filed under seal.

17. Attached as Exhibit 16 is a true and correct copy of Global Deposition Exhibit Number 618, filed under seal.

18. Attached as Exhibit 17 is a true and correct copy of excerpts from the deposition testimony of Gina Calisher.

19. Attached as Exhibit 18 is a true and correct copy of an e-mail string, dated October 5, 2015.

20. Attached as Exhibit 19 is a true and correct copy of an e-mail string, dated October 12, 2015.

21. Attached as Exhibit 20 is a true and correct copy of an e-mail string, dated October 16, 2015.

Executed on this 11th day of December, in Nashville, Tennessee.

/s/ Benjamin A. Gastel

Benjamin A. Gastel